

ITEM NO.45

COURT NO.14

SECTION XI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 7023/2022

(Arising out of impugned final judgment and order dated 02-03-2022 in CAC No. 5889/2021 passed by the High Court Of Judicature at Allahabad)

KULDEEP TIWARI

Petitioner(s)

VERSUS

LAXMAN PRASAD

Respondent(s)

(FOR ADMISSION and I.R. and IA No.57167/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.57166/2022-EXEMPTION FROM FILING O.T.)

Date : 22-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI  
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Ms. Aishwarya Bhati, ASG/Sr. Adv.  
Mr. V.K. Shukla, Sr. Adv.  
Mr. Rajeev Kumar Dubey, Adv.  
Mr. Ashiwan Mishra, Adv.  
Mr. Anurag Tiwari, Adv.  
Mr. Kamlendra Mishra, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Having heard Ms. Aishwarya Bhati, learned senior counsel for the petitioner and having perused the material placed on record, though we are not inclined to consider interference in the order dated 02.03.2022 as sought to be challenged in this petition but, when it has been shown that the intra-court appeal filed by the department is pending in the High Court, we would leave it open for the department to make appropriate submissions and seek relief as

may be advised, in the said intra-court appeal. For that matter, we also leave it open for the department to make submissions regarding the operation and effect of Uttar Pradesh Qualifying Service for Pension and Validation Act, 2021 (U.P. Act No. 1 of 2021) and also to file additional affidavit for consideration of the Division Bench dealing with intra-court appeal.

We hope and trust that such submissions, including the prayer for interim relief, when appropriately made on behalf of the department i.e., the appellant in the intra-court appeal, the same shall be given due consideration by the Division Bench of the High Court.

The petition stands dismissed subject to the observations and liberty as aforesaid.

All pending applications stand disposed of.

(SHRADDHA MISHRA)  
SENIOR PERSONAL ASSISTANT

(ANJU KAPOOR)  
COURT MASTER (NSH)